

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2010-001111

02/13/2012

HON. JOHN REA

CLERK OF THE COURT
J. Polanco/K. Gilmet
Deputy

ANTHONY CLEMENT

MICHAEL E GERITY

v.

DUANE WOOTEN

KYLE BRANSON SHERMAN

TRIAL MINUTE ENTRY
DAY 1

Courtroom: ECB-414

Prior to the commencement of trial, Defendant's Exhibits 1-7 and Plaintiff's Exhibits 8-14 are marked for identification.

9:39 a.m. This is the time set for Jury Trial. Plaintiff Anthony Clement is present with counsel, Michael E. Gerity. Defendant Duane Wooten, M.D., is present with counsel, Kyle Branson Sherman.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The prospective jury panel is not present.

Discussion is held regarding trial scheduling. Upon agreement of the parties and in light of the downtown centennial celebrations, trial shall recess early tomorrow.

The Court notes it has prepared a brief Statement of the Case and same is discussed with counsel.

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Brief discussion is held regarding exhibits. Upon stipulation,

Defendant's Exhibits 1-7 and Plaintiff's Exhibits 8-14 are received in evidence.

9:46 a.m. The court stands at recess.

10:01 a.m. Court reconvenes with the parties and respective counsel present. The prospective jury panel is not present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The Court advises counsel that a court reporter is not available for today's proceedings and the record shall be made by audio and/or videotape.

10:04 a.m. The prospective jury panel is now present.

Voir dire examination of prospective jurors proceeds at this time.

Juror 5 is excused for cause.

Jurors 3, 15, 17, 18, 36 and 38 are excused for cause.

10:53 a.m. The jury panel is admonished and leaves the courtroom; Court remains in session.

Counsel pass the panel.

Brief discussion is held regarding trial scheduling.

10:55 a.m. Court stands at recess so that counsel may consider their strikes.

11:37 a.m. Court reconvenes with respective counsel and parties present. The prospective jury panel is present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Eight (8) persons are selected and sworn to act as trial jurors in this cause.

FILED: Jury List.

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The Preliminary Instructions are read to the jury by the Court.

FILED: Preliminary Instructions.

12:06 p.m. The jury is admonished and excused from the courtroom; Court remains in session.

Brief discussion is held regarding trial scheduling and procedure.

12:07 p.m. Court stands at recess.

1:40 p.m. Court reconvenes with the parties and respective counsel present. The jury panel is present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Opening statements are presented.

Plaintiff's case:

Anthony George Clement is sworn and testifies.

3:03 p.m. Court stands at recess.

3:18 p.m. Court reconvenes with the parties and respective counsel present. The jury panel is present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Anthony George Clement continues to testify.

The Court has received juror questions, same is discussed with counsel at the bench and the Court asks the witness the appropriate questions.

FILED: Jury Questions.

The witness is excused.

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4:27 p.m. The jury is admonished and excused from the courtroom; Court remains in session.

Brief discussion is held regarding trial scheduling.

4:28 p.m. Court stands at recess until February 14, 2012 at 9:30 a.m.

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.